

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

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IN RE:	:	Case No. 10-32666
Brian A. Baker	:	SSN: xxx-xx-2679
Kristen L. Baker	:	xxx-xx-3833
	:	Chapter 13
Debtors.	:	Judge Harry C. Dees, Jr.

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**GREEN TREE SERVICING LLC'S MOTION TO DISMISS CHAPTER 13  
BANKRUPTCY WITH PREJUDICE AND FOR SANCTIONS**

Now comes Movant, Green Tree Servicing LLC, by and through counsel, and hereby moves this Court for an Order dismissing the Debtors' Chapter 13 bankruptcy, with prejudice, prohibiting them from refiling the bankruptcy for 360 days and sanctions.

Over the previous 6 ½ years the Debtors have filed numerous Chapter 13 bankruptcies. Additionally, in May, 2002 the Debtors filed a Chapter 7 bankruptcy. None of the Debtors' Chapter 13 bankruptcies have been completed. All of the Chapter 13 bankruptcies filed by the Debtors have been dismissed for various reasons with none completing or receiving a discharge. The Chapter 13 bankruptcy cases filed by the Debtors are Case Nos. 03-36872, 04-36482, 05-34158, 08-32392 and 09-34684. The Chapter 7 bankruptcy filed by the Debtors was 02-32636.

Green Tree has a properly perfected security interest in the real estate owned by the Debtors located on Oak Road, South Bend, IN 46619. The Debtors have not made a payment on their loan obligation to Green Tree since October, 2009. Presently, the Debtors are delinquent on their obligations to Green Tree in the amount of \$24,846.32. It is evident from the numerous bankruptcy filings by the Debtors that it is their sole

intention to delay Green Tree from taking the necessary state court action to recover possession of its collateral.

For the above stated reasons, Movant, Green Tree Servicing LLC respectfully requests this Court to dismiss the Debtors' Chapter 13 bankruptcy, with prejudice, as being frivolous action and not filed in good faith, award sanctions against them for their serial filings and the unnecessary costs and expenses that Green Tree has incurred and any legal fees and costs this Court deems just and proper.

Respectfully submitted,

June 8, 2010

Date

/s/ David J. Demers

David J. Demers (17646-53)

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Counsel for Green Tree Servicing  
LLC

**CERTIFICATE OF SERVICE**

This is to certify that true and exact copies of the foregoing Motion to Dismiss

have been served upon:

Brian and Kristen Baker  
15665 Windingbrook Dr.  
Mishawaka, IN 46545

Debra L. Miller, Trustee  
P.O. Box 11550  
South Bend, IN 46634

Nancy J. Gargula, U.S. Trustee  
One Michiana Square  
5<sup>th</sup> Floor  
100 East Wayne Street  
South Bend, IN 46601

via ordinary U.S. Mail and/or electronic notice on this 8<sup>th</sup> day of June, 2010.

/s/ David J. Demers

David J. Demers